

## Frequently Asked Questions

### 1. How do I tell if a property has features regulated by the Land Use Regulation Program (LURP)?

- If the property is located near a river, stream, or lake, or has an area that often has standing water, a low spot that holds water for several days after a heavy rain, or a water table near the ground surface, the property may have freshwater wetlands. If the property has a stream or pond with gentle banks (there is often a fringe of wetlands along the banks) the property may have freshwater wetlands. The owner should make an application for a Letter of Interpretation from LURP to determine if they need additional permit approvals before they build.
- If there is a stream, river, pond or lake on or near the property, especially one with gently sloping banks, the site may have a floodplain and the owner should determine if they need a Stream Encroachment permit before doing any work on the property.
- If a property is located adjacent to coastal waters in the southern part of the State, it is probably in the CAFRA zone and may need a permit for new or expanded development. \*\*This includes beach and dune maintenance activities.  
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- If a property owner plans to build a structure in tidal water (for example, a replacement bulkhead, dock or boatlift), they must obtain a Waterfront Development permit. They must also obtain a Department of the Army permit from the U.S. Army Corps of Engineers and in most cases must have a Tidelands Instrument from the Tidelands Management Program.
- Outside the CAFRA zone a Waterfront Development permit is needed for work up to 500 feet inland of tidal water.
- If a coastal property contains tidally flowed wetlands (sometimes called a salt marsh), the property is probably subject to the Coastal Wetlands Act.

## 2. Does it take a lot of work to submit a permit application?

It depends upon the approval for which an application is made. Projects range from a replacement bulkhead to large housing or commercial developments. LURP has developed Coastal and Freshwater Wetlands General Permits and Minor Stream Encroachment permits for simple projects. Large-scale or complex projects with greater potential environmental impact require Individual or Major

Permits and extensive review and coordination with Federal and State agencies. The simplest application requires an easy five-page application and a fee of \$200.00. The most complex could involve a tall stack of documents and a fee of many thousands of dollars.

In some cases, the property owner or developer will need to hire a consultant, engineer, and/or attorney to help prepare the application(s). The cost of these services varies widely, depending on the size and complexity of the site and the project. For complex projects an applicant can request a pre-application conference, and meet with LURP staff and obtain guidance in preparing the application.

For each type of permit application LURP provides an application checklist, which identifies all items needed to make an application complete. LURP requires several copies of each application, which we distributed to several staff members, and to other agencies, for their input. For combined permits multiple notifications can be required. Some applications require that a hearing is held or a minimum 30-day public comment period.

## 3. How long will it take to get a permit?

The average permit review time varies from two months to seven months after an application is complete, depending on the type of permit, waiver, or letter of interpretation requested. See the table below for a complete table of our current average review times. When planning a project, applicants are encouraged to allow plenty of time in their schedule for our review.

**Table of Average Application Review Times**

Type of Approval Sought	Average Review Time (In Days)
Freshwater Wetlands Letter of Interpretation	91
Freshwater Wetlands General Permit	75
Freshwater Wetlands Transition Area Waiver	81
Freshwater Wetlands Individual Permit	181
Freshwater Wetlands Letter of Exemption	61
Stream Encroachment Permit	84
CAFRA Individual Permit	120 -180
CAFRA General Permit	57
Waterfront Development Permit	83
Coastal Wetlands Type A, Type B Permit	117

**4. How long are permits good for and can they be extended?**

All LURP permits, LOI's, and exemption letters, expire 5 years from the issuance date. However, CAFRA Individual permits remain valid as long as construction has begun before permit expiration and continues, and does not stop for a cumulative period of one year. Upland Waterfront permits, Freshwater Wetlands permits and Transition Area Waivers may be extended beyond 5-years when a prior written request is approved by LURP. Otherwise, even if a project is under construction upon permit expiration, a new permit is required to continue construction.

**5. If a property is sold is the permit still valid?**

Permits generally run with the land. For Coastal and Stream Encroachment permits, in the event of rental, lease, sale or other conveyance of the site by the permittee, the permit shall continue to be in force and shall apply to the new tenant, lessee, owner or assignee so as described in the original application. No change shall be implemented unless an application for a permit modification approved by LURP. For Freshwater Wetlands permits and waivers, if the permitted activities have not been completed, the permittee must obtain a permit modification to transfer the site or transfer operational control of the permitted activities.

**6. A property owner has submitted an application and hasn't heard anything from LURP. How do they learn the status of their application?**

When an application arrives at the Department, we conduct an administrative review and within 20 working days of receiving an application it is either rejected for incompleteness or assigned to a project manager. If they have not received a rejection letter after 20 working days, direct them to call our Application Support Unit at (609) 777-0456 to make sure we received the application. **\*\*A caller must know the block and lot of the site when making an inquiry to LURP.\*\***

If an application has been accepted, another place to see the status of a pending permit application is on the Department's web site under DEP Data Miner, which are online reports. Go to [www.state.nj.us/dep](http://www.state.nj.us/dep).

**7. A property owner has submitted an application and it was not rejected, but they have heard nothing and it seems to be taking forever. What can they do to speed things up?**

First, check the table in the answer to [FAQ #2](#) above to determine the average review time for the application type. If the application is within the time in the table, check DEP Data Miner for the application status. If the application no longer appears on DEP Data Miner it means that the permit has been issued or denied and the document set closed out, so it no longer appears on this report.

**7. cont.**

If the application review has passed the average time in the table above, the property owner can directly call the permit reviewer assigned to the application (their name will be on DEP Data Miner), and ask if they need anything more from the property owner to complete the review. **\*\*Advise the applicant to have the LURP file number and the application in front of them when they call, in case the reviewer needs to discuss the application in detail.\*\***

**8. Property owners often receive a confusing letter. It says something about their neighbor applying for a permit from DEP. What does it mean?**

The LURP requires an applicant to send local officials and neighbors of property within 200 feet certified notice to let interested parties know they are submitting an application to LURP. These certified letters are sent to neighboring property owners BEFORE we receive the application.

If there is a question about the neighbor's project, the neighbor or their agent should be called for information about the project. Alternatively, they can call LURP for information. Please wait two to three weeks after receipt of the notification letter to call LURP, while the application is received and logged into our database. Only at that time we can answer specific questions about the application.

**9. Where can the public obtain copies of application forms and application checklists? Where can they find informational pamphlets, and copies of LURP laws and regulations?**

- For application forms, fee schedule, and checklists listing the requirements for a complete application, go to [www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse) and print them out from our [forms and checklists page](#). Form and checklists can also be obtained from LURP by calling (609) 292-0060, and we will mail them out. Regulations and wetlands maps may be purchased from DEP's Maps and Publications Office at (609) 777-1038.
- For informational pamphlets, on the LURP web page click on the program you are interested in: freshwater wetlands, stream encroachment, or coastal (includes Tidelands). You can read, print or download basic information pamphlets there.
- For legislative statutes governing LURP programs, go to our [laws page](#) to read, print or download laws.
- For regulations (also called rules) governing LURP programs, go to our [regulations page](#) to read, print or download regulations.

**10. Someone is buying a piece of property and the closing is in two weeks. How do they find out quickly if there are any freshwater wetlands, floodplains, or regulated coastal areas on the property, which might interfere with their plans to build on the property?**

They will probably need more than two weeks to find out if regulated features exist on the property and whether they will interfere with any building plans. Here are places to get more information quickly.

- Call LURP with the block and lot and ask if there have been prior permits, LOI's, jurisdictional determinations, or any Enforcement actions on the site.
- Visit the DEP's web site and find the site on i-Map. This GIS system allows the public to see layers such as the CAFRA zone, Landscape Mapping, and Category-1 waterways.
- Visit the municipality or DEP to view Freshwater Wetlands and Coastal Wetlands maps. They are not all-inclusive, but provide a general idea if the site is potentially wetlands.
- View the County Soil Survey prepared by the National Resources Conservation Service for soils that have high water tables and hydric soils.
- Some information regarding floodplains may be obtained from the municipal engineer.
- If a property owner thinks they have freshwater wetlands, they should submit a request for a letter of interpretation (LOI) to the Department, which will tell them if there are freshwater wetlands, transition area or state open water on the property, or not. This is the official DEP determination process, See our [freshwater wetlands page](#) for more detail on LOI's.
- If the property contains wetlands and is one acre or more in size, the property owner should hire a qualified environmental consultant to inspect the property and prepare a report identifying all regulated areas on the property. The consultant would then submit a request for a LOI for wetland verification from DEP.
- If a property is on or adjacent to a river, stream, lake or pond, the owner should expect that the property is in a flood hazard area. They can submit a request for a jurisdictional determination. If the property is not in the flood hazard area a Stream Encroachment Waiver will be issued by LURP.

**10. cont.**

- If the site is in the CAFRA area, within 500 feet of mean high water outside the CAFRA area, or includes coastal wetlands, the property is in a regulated area. However, due to the location of the development or the size it is not always clear if a permit is needed without reading through pages of the Coastal Permit Program Rules (N.J.A.C. 7:7). In this case the property owner should submit a request for a jurisdictional determination.

**\*\*Some regulated activities are authorized by Permits-By-Rule (N.J.A.C. 7:7-7.2) and the local construction official can make the determination whether the project qualifies for the Permit-By-Rule or not. If they cannot make a determination based on the information provided, or they believe it does not qualify, the construction official should direct the property owner to LURP for further assistance.\*\***

**11. Can property owners prepare their own stream encroachment drawings?**

For some minor coastal and Freshwater Wetland permit applications, the applicant may prepare their own drawings.

Drawings submitted in support of a stream encroachment application must be signed by a licensed Professional Engineer (P.E.) in New Jersey.

**12. If a property owner has wetlands and transition areas in their back yard, do they need a permit to put up a fence in the wetlands? How about in the transition area?**

A permit is required for any kind of fence in freshwater wetlands. If the fence encloses less than 750 square feet and is within 100 feet of a residence existing prior to July 1, 1988, they may be eligible for a general permit for the fence. See N.J.A.C. 7:7A-5.8 for general permit requirements ([viewable through our regulations page](#)).

In the transition area, a fence may be installed that does not have permanent footings or foundations without getting a permit from LURP. A fence with concrete footings or other permanent foundations would require a transition area waiver, unless the house was built under an exemption for projects with certain prior municipal approvals under N.J.A.C. 7:7A-2.8(g). There is a procedure and application checklist for obtaining an exemption letter from LURP under N.J.A.C. 7:7A.

**13. If a property owner has wetlands and transition areas in their back yard, do they need a permit to cut trees in the wetlands? How about in the transition area?**

A permit is required for any kind of plant destruction in freshwater wetlands, including application of herbicides or by other means. This includes the removal of wetland vegetation, and/or the cutting of trees.

**13. cont.**

In the transition area, normal property maintenance can be performed without getting a permit from LURP. Normal property maintenance means activities required to maintain lawfully existing artificial and natural features, landscaping and gardening. These activities include mowing of existing fields or lawns, pruning of trees and shrubs, selective cutting of trees, replacement of existing non-native plants with either native or non-native species, limited supplemental planting of non-native species, planting of native species, continuing cultivation of existing gardens and the development of new gardens no larger than ¼ acre in size.

In the transition area, normal property maintenance also includes the maintenance of artificial features including the repair, rehabilitation, replacement, maintenance or reconstruction of any previously authorized currently serviceable structure, lawfully existing prior to 1989 or subsequently permitted.

**14. If a property owner wishes to replace an existing bulkhead on a tidal waterway, do they need a permit? What is a “Zane letter”.**

Bulkhead replacements require either a Waterfront Development permit or CAFRA permit, and usually require a Tidelands instrument. Senator Zane sponsored an exemption to the Waterfront Development law that allows the replacement of a legally existing bulkhead and certain other waterfront structures, in the same footprint. To be legal the structure must have a valid Tidelands instrument and either appear on the Department's 1972 or 1978 photography, or was permitted after the 1978 photography. A Zane letter is a jurisdictional determination that verifies that the project qualifies for the exemption. All other bulkhead replacements, including upland of the existing bulkhead, requires a LURP permit.

**15. A property owner seeks a good environmental consultant, engineer, and attorney to help prepare a permit application. Does LURP have a list of good professionals that it would recommend, or that LURP work's with a lot?**

LURP does not evaluate, certify\*\*\* or recommend consultants, engineers, or attorneys. You can find these professionals in the telephone book. In addition, the Association of New Jersey Environmental Commissions (ANJEC) publishes a directory of consultants that can be obtained through the ANJEC website at <http://www.anjec.org>.

A property owner may also ask neighbors who have obtained LURP permits if they have recommendations.

\*\*\*Once the Department begins implementation of the Smart Growth Law a consultant will have to be pre-certified by the DEP in order to make applications for permits under the expedited review timeframes and for Permits-By-Rule.

To see more "Frequently Asked Questions" please visit our web site at [www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse).